

**REQUEST FOR QUALIFICATIONS
TO PROVIDE TECHNICAL ASSISTANCE TO COUNTY GOVERNMENTS FOR
STATE RESOURCE AREA PROTECTION**

**ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

I. Overview

The Delaware Department of Natural Resources and Environmental Control (DNREC) seeks professional services to provide technical assistance to county governments as they incorporate State Resource Area Maps into the Conservation Element of the their respective Comprehensive Plans and establish technically based specific performance standards and design criteria that can apply to lands to protect and conserve biological diversity of plants and animals and their habitats; sites of special natural, cultural or geological interest; and existing or planned recreation, conservation or cultural sites. Such incorporation into Overlay District preservation strategies is pursuant to the requirements of 7 Del. C. §7508. This request for qualifications (“RFQ”) is issued pursuant to 29 Del. C. §§6902(1), 6981 and 6982.

The proposed schedule of events subject to the RFQ is outlined below:

Public Notice: Date: June 5, 2006

Deadline for Receipt of Qualifications: Date: July 7, 2006

The qualification statement must conform to the requirements of the Qualification Statement Procedures and the Required Information Sections of the RFQ. The State specifically reserves the right to waive any informalities or irregularities in the qualification statement format. Each qualification statement must be accompanied by a cover letter which briefly summarizes the proposing firm’s interest in providing the required professional services. The cover letter must also clearly state and justify any exceptions to the requirements of the RFQ which the applicant may have taken in presenting the qualification statement. The State reserves the right to deny any and all exceptions taken to the RFQ requirements.

II. Scope of Service

The Delaware DNREC, Office of the Secretary is seeking a qualified vendor to provide technical assistance to county governments as they incorporate State Resource Area Maps into the Conservation Element of their respective Comprehensive Land Use Plans and establish specific performance standards and design criteria that can apply to lands to protect and conserve biological diversity of plants and animals and their habitats. The scope of services may include, but not necessarily be limited to:

1. Establish basic ecological conservation guidelines that will help local governments make more complex decisions and guide local land use decision making such as:
 - a.) Maintaining large areas of contiguous habitat and avoid fragmenting these areas
 - b.) Maintaining meaningful wildlife corridor and potential non-consumptive bicycle and pedestrian connections between habitat areas and adjacent land uses
 - c.) Protecting rare landscape elements, sensitive areas and associated species
 - d.) Allowing natural patterns of disturbance to continue to maintain diversity and resilience of habitat types
 - e.) Minimizing direct and indirect human disturbances and the introduction and spread of non-native species and favor native plants and animals
 - f.) Minimizing human introduction of nutrients, chemicals, and pollutants
 - g.) Avoiding land uses that deplete natural resources over a broad area and allocating such land uses to areas of minimal natural resource impacts
 - h.) Compensating for adverse effects of development on natural processes
2. Identify sources of relevant information and how such information can be used by local governments to improve the effects of their planning and ordinance drafting on the conservation of living organisms and the areas and ecological processes upon which they depend
3. Assist local governments in tailoring local land use regulations to apply basic ecological guidelines to achieve desired results in local communities and support the creation and maintenance of conditions of ecological health on the landscape
4. Establishment of clear, technically based specific environmental performance standards, design criteria and mitigation requirements that can apply to lands and development activities that occur outside and adjacent to specifically identified conservation areas as well as to those within such areas to protect and conserve biological diversity of plants and animals and their habitats; sites of special natural, cultural or geological interest; and existing or planned recreation, conservation or cultural sites
5. Develop sample checklists and other tools that can assist local officials in preparing and evaluating ordinances, amendments, applications and making site plan, subdivision review and other related land use decisions
6. Examine the effectiveness of existing ordinances, comprehensive plan components, and other land use decision tools; identify any gaps that may exist; and recommend different strategies to consider foreseeable future changes to the landscape
7. Assist local governments with the designation of final Special Overlay Districts including the evaluation of bonuses, credits, or other incentives and allowances that encourage the permanent protection of State Resource Areas and lands which buffer them from adjacent land uses, adequate to protect the environmental integrity of the State Resource Areas
8. Organize and facilitate workshops as may be deemed appropriate

III. Qualification Statement Procedures

A. Qualification Statements

To be considered, all qualification statements must be submitted in writing and respond to the items outlined in this RFQ using the requested format. The State reserves the right to reject any non-responsive or non-conforming qualification statements. Each qualification statement must be submitted with five (5) copies in a sealed envelope conspicuously labeled "Qualification Statement - State of Delaware – Office of The Secretary – Technical Assistance to Counties for State Resource Area Protection". The envelope should also contain the name, address and telephone number of the proposing firm. If delivered by mail, the qualification statement shall be enclosed in an "inner" enveloped labeled as indicated above.

All qualification statements must be delivered in person or by mail to:

DNREC
Office of the Secretary
89 Kings Highway
Dover, Delaware 19901

Attn: Vicki Ward, Administrative Specialist

Any qualification statements submitted by mail shall be sent by either certified or registered mail. Qualification Statements must be received at the above address no later than 4:00 p.m. on July 7, 2006. Any qualification statement received after this date shall not be considered and shall be returned unopened. The proposing firm bears the risk of delays in delivery. The contents of any qualification statement shall not be disclosed as to be made available to competing entities during the negotiation process.

B. Modifications

Any changes, amendments or modifications to a qualification statement must be made in writing, submitted in the same manner as the original response and conspicuously labeled as a change, amendment or modification to a previously submitted qualification statement. Changes, amendments or modifications to qualification statements shall not be accepted or considered after the hour and date specified as the deadline for submission of qualification statements.

IV. Required Information

The following information shall be provided in each qualification statement in the order listed below. Failure to respond to any request for information may result in rejection of the qualification statement at the sole discretion of the State:

A. Minimum Requirements

Delaware business license: Provide evidence of a Delaware business license.

V. Evaluation Process

All qualification statements submitted in response to the RFQ shall be reviewed in accordance with the evaluation items listed below.

A. Qualification Statement Review Committee

The Qualification Statement Review Committee shall be comprised of staff from the Office of the Secretary and other agencies as deemed appropriate by the Office of the Secretary. The Committee shall determine the firms which meet the minimum requirements pursuant to selection criteria of the RFQ and procedures established in 29 Del. C. §§ 6981, 6982. The Committee shall interview at least one of the qualified firms. The Committee may negotiate with one or more firms during the same period and may, at its discretion, terminate negotiations with any or all firms. The Committee shall make a recommendation regarding the award to the Secretary who shall have final authority, subject to the provisions of this RFQ and 29 Del. C. § 6982, to award a contract to the successful firm in the best interests of the State of Delaware.

B. Qualification Statement Selection Criteria

The Qualification Statement Review Committee shall assign up to the maximum number of points as stated in this Section for each Evaluation Item to each of the proposing firms. All assignments of points shall be at the sole discretion of the Qualification Statement Review Committee.

The qualification statements all contain the essential information in which the award decision shall be made. The information required to be submitted in response to this RFQ has been determined by the DNREC and the Qualification Statement Review Committee to be essential for use by the Committee in the evaluation and selection process. Therefore, all instructions contained in this RFQ shall be met in order to qualify as a responsive and responsible contractor and participate in the Qualification Statement Review Committee's consideration for award. Applicants who do not meet or comply with the instructions of this RFQ may be considered non-conforming and deemed non-responsive and subject to disqualification at the sole discretion of the Committee.

The Committee reserves the right to:

- i. Reject any and all applications received in response to this RFQ or to make no award or issue a new RFQ.
- ii. Waive or modify any information, irregularity, or inconsistency in applications received.
- iii. Request modification to applications from any or all contractors during the review and negotiation.
- iv. Negotiate any aspect of the application with any firm and negotiate with more than one firm at the same time.

All qualification statements shall be evaluated using the same criteria and scoring process. The following criteria shall be used by the Committee to evaluate qualification statements:

Evaluation Item	Maximum Points
1) Evidence of successful completion of similar projects in the past. Number of past and present projects. Like projects satisfactorily completed.	20
2) Ability to perform the work described in the Request for Qualifications with high quality in a timely manner.	20
3) Technical capacity and previous experience in projects involving the minimization of the loss of open space and associated values of important natural or scenic resources, wildlife habitat and other environmentally sensitive lands.	20
4) Previous work experience in Delaware with an emphasis on successful partnerships with State and local government agencies.	15
5) Geographical location. Local commuting distance.	10
6) Ability to handle both large and small workloads while maintaining high quality and timeliness. Project team employees with specific experience and availability.	10
7) Distribution of work to individuals and firms. Use of MBE, WBE, and SBE. Is the Contractor MBE, WBE or SBE.	5
TOTAL POINTS	100 Points

VI. Contract Conditions

Any firm awarded a contract arising from negotiations following this RFQ shall be subject to the following contractual provisions:

1. Term

The term of the contract between the successful firm and the State shall be negotiated. The contract may be terminated by either party upon 90 days written notice. In the event the successful firm materially breaches any obligation under this Agreement, the State may terminate this Agreement upon thirty (30) days written notice.

2. Non-appropriation

In the event that the General Assembly fails to appropriate the specific funds necessary to continue the contractual agreement, in whole or in part, the agreement shall be terminated.

3. Notice

Any notice to the State required under this Agreement shall be sent by registered mail to:

DNREC
Office of the Secretary
89 Kings Highway
Dover, Delaware 19901

Attn: Vicki Ward, Administrative Specialist

4. Formal Contract and Purchase Order

The successful firm shall promptly execute a contract incorporating the terms negotiated by the Qualification Statement Review Committee within thirty (30) days after requested by the DNREC. No work is to begin prior to receipt of a State of Delaware purchase order signed by two authorized representatives of the agency requesting service, properly processed through the State of Delaware Accounting Office and the DNREC. The purchase order shall serve as the authorization to proceed in accordance with the bid specifications and the special instructions, once it is received by the successful firm.

5. Indemnification

By submitting a qualification statement, the proposing firm agrees that in the event it is awarded a contract, it will indemnify and otherwise hold harmless the State of Delaware, its agents and employees from any and all liability, suits, actions, or claims, together with all costs, expenses for attorney's fees, arising out of the firm's, its agents and employees' performance of work or services in connection with the contract.

6. Performance

In performance of this contract the firm is required to comply with all applicable federal, state and local laws, ordinances, codes and regulations. The cost of permits and other relevant costs required in the performance of the contract shall be borne by the successful firm. The firm shall be properly licensed and authorized to transact business in the State of Delaware as provided in Delaware Code Title 30, Section 2502.

7. Insurance

The successful firm shall maintain professional liability and automotive liability insurance in amounts acceptable to the Department for the nature of the work and activities to be performed. Forty-five (45) days written notice of cancellation or material change of any policies shall be required.

8. Non-discrimination

In performing the services subject to this RFQ the firm agrees that it will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. The successful firm shall comply with all federal and state laws, regulations and policies pertaining to the prevention of discriminatory employment practice. Failure to perform under this provision constitutes a material breach of contract.

9. Covenant Against Contingent Fees

The successful firm warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement of understanding for a commission or percentage, brokerage or contingent fee excepting bona-fide employees bona-fide established commercial or selling agencies maintained by the bidder for the purpose of securing business. For breach or violation of this warranty the State shall have the right to annul the contract without liability or at its discretion to deduct from the contract price or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

10. Contract Documents

The Purchase Order and the executed Contract between the State and the successful firm shall constitute the Contract between the State and the firm. In the event there is any discrepancy between any of these contract documents, the following order of documents governs so that the former prevails over the latter: Contract, and Purchase Order. No other documents shall be considered. These documents contain the entire agreement between the State and the firm.

11. Applicable Law

The Laws of the State of Delaware shall apply, except where Federal Law has precedence. The successful firm consents to jurisdiction and venue in the State of Delaware.

12. Scope of Agreement

If the scope of any provision of this Contract is too broad in any respect whatsoever to permit enforcement to its full extent, then such provision shall be enforced to the maximum extent permitted by law, and the parties hereto consent and agree that such scope may be judicially modified accordingly and that the whole of such provisions of the contract shall not thereby fail, but the scope of such provisions shall be curtailed only to the extent necessary to conform to the law.